

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

LUIS QUINTANILLA, on Behalf of  
Himself and All Other Employees  
Similarly Situated,

Plaintiffs

V.

GREYSTAR MANAGEMENT, INC.,

Defendant

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CIVIL ACTION No. H-06-1751

## Collective Action

**DEFENDANT'S ANSWER TO PLAINTIFF'S ORIGINAL COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant GREYSTAR MANAGEMENT, INC., (“Greystar”) files this its Answer to Plaintiff’s Original Complaint as follows:

1. Greystar is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of Plaintiff's Original Complaint.
2. Greystar denies the allegations contained in paragraph 2 of Plaintiff's Original Complaint.
3. Greystar neither admits nor denies the allegations in paragraph 3 of Plaintiff's Original Complaint as said allegations require neither an admission or denial. To the extent it is deemed a response is required, Greystar denies the same.
4. Greystar neither admits nor denies the allegations in paragraph 4 of Plaintiff's Original Complaint as said allegations require neither an admission or denial. To the extent it is deemed a response is required, Greystar denies the same.
5. Greystar denies the allegations contained in paragraph 5 of Plaintiff's Original

Complaint.

6. Greystar is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of Plaintiff's Original Complaint.

7. Greystar is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first sentence of paragraph 7 of Plaintiff's Original Complaint. Greystar denies the allegations contained in the remainder of paragraph 7 of Plaintiff's Original Complaint.

8. Greystar denies the allegations contained in paragraph 8 of Plaintiff's Original Complaint.

9. Greystar denies the allegations contained in paragraph 9 of Plaintiff's Original Complaint.

10. Greystar denies the allegations contained in paragraph 10 of Plaintiff's Original Complaint.

11. Greystar neither admits nor denies the allegations contained in the Prayer section of Plaintiff's Original Complaint as said allegations require neither an admission or denial. To the extent it is deemed a response is required, Greystar denies the same.

#### **AFFIRMATIVE DEFENSES**

12. By way of further reply, if such be necessary, and without waiving any of the foregoing, Greystar asserts, pursuant to Rule 8(c) of the Federal Rules of Civil Procedure, the affirmative defense of arbitration agreement.

13. By way of further reply, if such be necessary, and without waiving any of the foregoing, Greystar asserts, pursuant to Rule 8(c) of the Federal Rules of Civil Procedure, the affirmative defense of fraud.

14. By way of further reply, if such be necessary, and without waiving any of the foregoing, Greystar asserts, pursuant to Rule 8(c) of the Federal Rules of Civil Procedure, the affirmative defense of statute of limitations.

15. By way of further reply, if such be necessary, and without waiving any of the foregoing, Greystar asserts, pursuant to Rule 8(c) of the Federal Rules of Civil Procedure, the affirmative defense that there is insufficient pleadings and no evidence, or insufficient evidence, of the existence of "other employees similarly situated" under 29 U.S.C. § 216(b), i.e., there is no "factual nexus which binds the named plaintiff[] and the potential class members together as victims of a particular alleged [policy or practice]." *Villatoro v. Kim Son Restaurant, L.P.*, 286 F. Supp. 2d 807, 810 (S.D. Tex. 2003) (second alteration in original).

WHEREFORE, PREMISES CONSIDERED, GREYSTAR MANAGEMENT, INC., Defendant, prays for all just and further relief to which it may be entitled.

Respectfully submitted,

By: S/ Dylan B. Russell

**DYLAN B. RUSSELL**

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**OF COUNSEL:**

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**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I hereby certify that on this, the 27th day of June, 2006, a true and correct copy of the foregoing Defendant's Answer to Plaintiff's Original Complaint was served via electronic notice to all interested parties from the U.S. District Clerk's Office.

/S/ Dylan B. Russell

Dylan B. Russell